

OFFICE OF THE SHERIFF



COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM MCDONNELL, SHERIFF

March 16, 2016

Date of Department Hire 01/09/1997

Deputy Gene Wilson, #[redacted]

[redacted]

Dear Deputy Wilson:

On February 12, 2016, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2327026. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, it has been determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on March 11, 2016.

An investigation under File Number IAB 2327026, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.15, Conduct Toward Others; and/or 3-01/030.16, Family Violence, during December 2012, while at home, you became involved in a physical altercation with your [redacted], Witness [redacted], during which you grabbed her arms, pushed and pulled her, and to which you placed your forearm across her

throat while straddling her in an angry and aggressive manner during an argument. Your actions did not conform to the Department's Core Values, as you failed to act with integrity and failed to treat Witness [redacted] with respect and dignity. Your conduct brought discredit upon yourself and/or to the Department.

2. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.15, Conduct Toward Others; and/or 3-01/030.16, Family Violence, on or about December 31, 2012 to January 1, 2013, you, after consuming alcohol at home, approached Witness [redacted], alternately pointing your firearm at yourself and then at her, stating you should kill her and/or yourself. Your actions did not conform to the Department's Core Values, as you failed to act with integrity and failed to treat Witness [redacted] with respect and dignity. Your conduct brought discredit upon yourself and/or to the Department

3. That in violation of Manual of Policy and Procedures Section 3-01/025.45, Safety of Firearms, on or about December 31, 2012 to January 1, 2013, you, after consuming alcohol at home, handled your firearm in an unsafe manner, placing the barrel of your loaded off-duty revolver in your mouth, and while your thumb was in the trigger guard, took a photograph of yourself and sent it to Witness [redacted], along with a message making a reference to committing suicide.

4. That in violation of Manual of Policy and Procedures Section 3-01/040.70, False Statements, on or about February 18, 2015, you failed to make truthful statements while giving testimony during a criminal proceeding and/or lied under oath as evidenced by, but not limited to:

   a. testifying to and stating, "I decide to go up in my room, and I lock my bedroom door and got my

weapon, which was empty, and I went into the bathroom, and I put my gun in my mouth, and I snapped the picture"; and/or words to that effect, and/or;

b. testifying to and stating "No" to the question that was asked and/or denying that the gun was ever loaded that evening, and/or words to that effect.

5. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about January 13, 2016, you failed to make full, complete, and truthful statements during the course of an administrative investigation when you stated that, "It was a picture of me with my unloaded handgun in my mouth," and/or words to that effect.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 500 W. Temple Street, Room 522, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

STEPHEN B. JOHNSON, CHIEF
EAST PATROL DIVISION

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

SBJ:KM:JMR:vv

cc: Advocacy Unit
Stephen B. Johnson, Chief, East Patrol Division
Coronne L. Jacob, Captain, Temple Station
Internal Affairs Bureau
Kimberly L. Unland, Captain, Personnel Administration

761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: February 9, 2016

OFFICE CORRESPONDENCE FILE NO. IV2327026

FROM: STEPHEN B. JOHNSON, CHIEF
EAST PATROL DIVISION

TO: DONNIE L. MAULDIN, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **GENE WILSON #[redacted]**
DEPUTY SHERIFF GENERALIST
TEMPLE STATION
EAST PATROL DIVISION

Upon consideration of the facts developed in this investigation, I have determined that Subject Wilson be discharged from the position of Deputy Sheriff for the reasons set forth in the attached documentation. This decision may be reconsidered based on the employee's response.

STEPHEN B. JOHNSON, CHIEF — DATE 2/9/16

CASE REVIEWED BY:

TODD S. ROGERS, ASSISTANT SHERIFF — DATE 2/9/16

RICHARD J. BARRANTES, ASSISTANT SHERIFF — DATE 2-9-16

NEAL B. TYLER, EXECUTIVE OFFICER — DATE 2/9/16

JIM McDONNELL, SHERIFF — DATE 2/9/16

The evidence in this investigation supports the following charges:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.15, Conduct Toward Others; and/or 3-01/030.16, Family Violence, during December 2012, while at home, Subject Wilson became involved in a physical altercation with his [redacted], Witness [redacted], during which he grabbed her arms, pushed and pulled her, and to which he placed his forearm across her throat while straddling her in an angry and aggressive manner during an argument. Subject Wilson's actions did not conform to the Department's Core Values, as he failed to act with integrity and failed to treat Witness [redacted] with respect and dignity. Subject Wilson's conduct brought discredit upon himself and/or to the Department.

2. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.15, Conduct Toward Others; and/or 3-01/030.16, Family Violence, on or about December 31, 2012 to January 1, 2013, Subject Wilson, after consuming alcohol at home, approached Witness [redacted], alternately pointing his firearm at himself and then at her, stating he should kill her and/or himself. Subject Wilson's actions did not conform to the Department's Core Values, as he failed to act with integrity and failed to treat Witness [redacted] with respect and dignity. Subject Wilson's conduct brought discredit upon himself and/or to the Department.

3. That in violation of Manual of Policy and Procedures Section 3-01/025.45, Safety of Firearms, on or about December 31, 2012 to January 1, 2013, Subject Wilson, after consuming alcohol at home, handled his firearm in an unsafe manner, placing the barrel of his loaded off-duty revolver in his mouth, and while his thumb was in the trigger guard, took a photograph of himself and sent it to Witness [redacted], along with a message making a reference to committing suicide.

4. That in violation of Manual of Policy and Procedures Section 3-01/040.70, False Statements, on or about February 18, 2015, Subject Wilson failed to make truthful statements while giving testimony during a criminal proceeding and/or lied under oath as evidenced by, but not limited to:

    a. testifying to and stating, "I decide to go up in my room, and I lock my bedroom door and got my weapon, which was empty, and I went into the bathroom, and I put my gun in my mouth, and I snapped the picture"; and/or words to that effect, and/or;

    b. testifying to and stating "No" to the question that was asked and/or denying that the gun was ever loaded that evening, and/or words to that effect.

5. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about January 13, 2016, Subject Wilson failed to make full, complete, and truthful statements during the course of an administrative investigation when he stated that, "It was a picture of me with my unloaded handgun in my mouth," and/or words to that effect.

SUMMARY:

During the latter months of 2012, Subject Wilson and his [redacted], [redacted] Witness [redacted], were involved in a failing [redacted]. Due to their [redacted] discord, they had discussed [redacted] and possible [redacted], but ultimately agreed to stay together through the Christmas Holidays.

On December 31, 2012, Witness [redacted] attended a friend's New Year's Eve party without Subject Wilson, and against his objections. Witness [redacted]'s two [redacted], [redacted] and [redacted], from a previous [redacted] attended the party with her. She and Subject Wilson also have two [redacted] together, [redacted] and [redacted], both of whom stayed home with Subject Wilson on the evening in question.

After Witness [redacted] left for the party, Subject Wilson began to drink whiskey, later conceding he became drunk, and subsequently sent text messages to Witness [redacted]. Initially, the messages expressed his desire for Witness [redacted] to return home for the evening. However, the messages became more aggressive as the evening wore on.

At, or around, midnight, Subject Wilson sent Witness [redacted] a photograph, via text message, depicting himself pointing a revolver into his mouth, with his thumb inside the trigger guard. One of several accompanying suicidal text messages stated, "If [redacted] weren't here I would have done it, I just had it in my mouth squeezing the trigger." Witness [redacted] became extremely concerned and left the party, along with her [redacted], to go home and remove her [redacted] from potential danger.

Witness [redacted] contacted Subject Wilson at their home. She would later report Subject Wilson pointed his revolver at her face and threatened to kill her during this time. She quickly directed their [redacted] out to her car and drove back to the party, where she continued to receive messages from Subject Wilson. One notable message included, Witness [redacted] should return to the house without the [redacted] because his brains would be everywhere.

Upon putting the [redacted] to bed, she realized the text messages from Subject Wilson had stopped. She became concerned for his welfare and notified the Upland Police Department via 9-1-1, at 0203 hours, on January 1, 2013.

Upland police officers responded to Subject Wilson's home, made PA announcements to call him out of the residence, and ultimately contacted him via cell phone. Subject Wilson

readily exited his home and surrendered to police officers. He was cooperative and directed officers to his bedroom closet, where they found his unloaded revolver with five .38 Special rounds next to it. This interaction with Upland police officers was captured on audiotape.

Based on the Upland Police Department investigation, and in consideration of the allegations made by Witness [redacted], Subject Wilson was detained pursuant to 5150 WIC, and treated at Arrowhead Regional Medical Center. A criminal complaint report was also submitted, and on January 4, 2013, a felony complaint was filed, charging Subject Wilson with Assault with a Deadly Weapon and Criminal Threats. He surrendered to officers at Upland Police Department.

The matter eventually resulted in Subject Wilson's acquittal following a jury trial. During the trial, Subject Wilson provided testimony and denied the criminal charges. He admitted he sent the photo to Witness [redacted], but explained the revolver was not loaded at the time the photo was taken. Upon examination of the photo, IAB investigators noted it appeared the weapon was indeed loaded, as the outline of shell casings can be seen in the cylinder, and this fact was brought to Subject Wilson's attention. However, Subject Wilson stated he did not see it that way and still maintained the weapon was not loaded, and that he would not put a loaded weapon in his mouth.

Also during the trial, testimony was heard from both Subject Wilson and Witness [redacted] in which each described an unreported domestic violence incident that occurred in the weeks leading up to Subject Wilson's detention. Although they described the same general incident, each portrayed the other as the dominant aggressor. They both relayed the same information to Internal Affairs Bureau investigators during their interviews as well. Neither Subject Wilson nor Witness [redacted] reported the incident to law enforcement or Department supervisors.

During the early December 2012 incident, Subject Wilson looked through Witness [redacted]'s cell phone and found content which led him to suspect Witness [redacted] of [redacted]. They began arguing and he allegedly pushed and pulled her about their bedroom, eventually ending up on the floor straddling her and using his forearm to apply pressure on Witness [redacted]'s throat. Subject Wilson alleged Witness [redacted] initiated the incident by slapping him. Their oldest [redacted] knocked on the door and the incident ended abruptly.

In an effort to provide corroboration for that incident, Witness [redacted] provided copies of an e-mail exchange between Subject Wilson and herself, which took place between December 12, and December 14, 2012. The exchange appeared to have been conducted utilizing the Department's Outlook System. During the exchange, Subject Wilson apologized, pleaded for forgiveness, and stated what he did was "horrible and inexcusable."

One comment stated, "All I keep thinking about is how I felt when I saw the bruises on your arm from [redacted] (Witness [redacted]'s [redacted]) when we were [redacted], and I said I

would never do that to you and I did. Please, please, please forgive me."

Discipline Assessment

Review of Applicable "Guidelines for Discipline" Sections. The Department's Guidelines for Discipline lists the following analogous misconduct with associated disciplinary penalties:

Family Violence	Five days to Discharge
General Behavior	Written Reprimand to Discharge
Conduct Toward Others	Written Reprimand to Discharge
Safety of Firearms	Fifteen days to Discharge
False Statements	Ten days to Discharge
Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations	Discharge

Assessment of Mitigating and Aggravating Factors

Aside from the photograph and e-mails, there was no physical evidence to support any of the allegations asserted in this case. Although there was no physical evidence to support the claims made by Witness [redacted] and Subject Wilson was acquitted of the formal charges levied against him, there seems to be an aggravating factor in that Subject Wilson has shown a pattern and practice of hostile behavior with regard to his demeanor toward Witness [redacted] in times of crisis. This behavior led her to frequently request he attend anger management classes. In addition, he seems to have minimized his conduct.

When investigators presented the photograph in question depicting himself with a gun in his mouth, Subject Wilson maintained that his weapon was unloaded at the time he took the photograph. This is especially concerning because the photograph clearly shows that the weapon is loaded and rounds are clearly visible in the cylinder portion. A law enforcement professional with nineteen years of experience, such as himself, should be able to make that determination.

On the advice of his attorney, Subject Wilson completed a 52-week Batterers' Intervention and Domestic Violence Diversion Program, prior to his trial. Subject Wilson believes he benefitted from the program, as well as his continued participation in the Peace Officer's Fellowship program, and claims he is in a "completely different place" psychologically as a result.

Severity of Infraction

Allegations of domestic violence, and/or family violence, is a serious departure from the established Core Values of the Sheriff's Department. Subject Wilson's conduct toward his [redacted] is unacceptable under any circumstances. His state of mind and threat of suicide, including the photo sent to Witness [redacted] is especially troubling, whether used to gain attention or otherwise. Any type of mishandling of a loaded firearm, especially in conjunction with the consumption of alcohol, is extremely dangerous. This behavior is exacerbated because he is a sworn member of the Department and because there were [redacted] in the home at the time.

Intent, Truthfulness, and Acceptance of Responsibility

Subject Wilson took responsibility for consuming too much alcohol and his unreasonable behavior the night of his detention. Once contacted by officers, he was cooperative with them. He denied ever threatening or pointing his weapon at Witness [redacted], and also denied any prior domestic violence incidents. However, during his trial and administrative interview, Subject Wilson admitted to a domestic violence incident a couple of weeks prior to his detention, but stated Witness [redacted] was the dominant aggressor. This is especially disconcerting in light of the e-mail exchange, apology, and request for forgiveness made by Subject Wilson.

Subject Wilson claims his revolver was not loaded at the time he took the photo and sent it to Witness [redacted]. Upon examination of the photo, it appears the weapon is loaded. This fact was brought to his attention by IAB Investigators during his subject interview, but he maintained he did not see it that way and that the weapon was not loaded.

Subject Wilson stated the photo and accompanying messages he sent to Witness [redacted] were sent as a way to get attention and sympathy only, and was adamant he was not suicidal. He did concede he did not believe he exercised reasonable care and control of his firearm by handling it in the manner depicted in the photo.

Degree of Culpability

Subject Wilson is solely responsible for his actions, behavior, and decisions in this matter. He alone is responsible for controlling his anger, alcohol consumption, and for making sound decisions with regard to his relationships.

Past Performance and Disciplinary History

[redacted]

[redacted]

Subject Wilson has been employed by the Sheriff's Department for 19 years. He received a "Very Good" rating during his last performance evaluation period.

Determination of Discipline

Based upon the assessment of mitigating and aggravating factors, the following is the level of discipline to be imposed:

___X___	Discharge
_______	Reduction in Rank
_______	Suspension with loss of pay and benefits for day(s)
_______	Written Reprimand
_______	No discipline

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT
PERSONNEL INVESTIGATION

DATE	No. OF SUBJECTS	UNIT(S) INVOLVED	I.A.B. FILE No.
01/19/16	1	Temple Station	IV 2327026

MANUAL SECTIONS ALLEGEDLY VIOLATED (BY TITLE AND No.)
General Behavior, 3-01/030.05 MPP
Obedience to Laws, Regulations and Orders, 3-01/030.10 MPP
Safety of Firearms, 3-01/025.45 MPP
Family Violence, 3-01/030.16 MPP

DATE, TIME, DAY OF OCCURRENCE: January 1, 2013, 0203 hours
RELATED URN FILE No. IF APPLICABLE:

LOCATION OF OCCURRENCE: [redacted]

SOURCE OF COMPLAINT: ☐ COMMUNITY ☒ SUPERVISION W/C REPORT No ____ ☐ OTHER SOURCES (SPECIFY) Upland Police Department

SUBJECT	LAST NAME	FIRST NAME	M.I.	RANK OR TITLE	EMP. No.
No. 1 OF 1	Wilson	Gene	D.	Deputy Sheriff	[redacted]

UNIT OF ASSIGNMENT: Temple Station — DATE ASSIGNED: 05/20/07 — DIVISION OR REGION: East Patrol Division

STATUS OF SUBJECT: ☐ CONTINUING ON DUTY ☒ RELIEVED OF DUTY - REASSIGNED TO: Home ☐ OTHER ____

SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	AGE
Male	W	Brown	Blue	511	180	[redacted]	[redacted]

DATE OF HIRE: 01/09/97 — DATE APPOINTED TO RANK: [redacted]
INTERVIEW AUDIO RECORDED, REFER TO: JOB NUMBER 48823 DATE 01/13/16 JOB NUMBER 48825 DATE 01/13/16

PREVIOUS FOUNDED INVESTIGATIONS

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE
[redacted]	[redacted]	[redacted]	[redacted]

SUBJECT	LAST NAME	FIRST NAME	M.I.	RANK OR TITLE	EMP. No.
No. OF					

UNIT OF ASSIGNMENT — DATE ASSIGNED — DIVISION OR REGION

STATUS OF SUBJECT: ☐ CONTINUING ON DUTY ☐ RELIEVED OF DUTY - REASSIGNED TO: ____ ☐ OTHER ____

SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	AGE

DATE OF HIRE — DATE APPOINTED TO RANK — INTERVIEW AUDIO RECORDED, REFER TO: JOB NUMBER ____ DATE ____ JOB NUMBER ____ DATE ____

PREVIOUS FOUNDED INVESTIGATIONS

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE

CODE: C - COMPLAINANT, W - WITNESS — ADDITIONAL COMPLAINANTS, WITNESSES, OR SUBJECTS ON SUPPLEMENTAL PAGES ☐ YES ☐ NO

CODE	No.	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
W	1 OF 7	[redacted]	[redacted]	[redacted]	Female	W	[redacted]

RESIDENCE ADDRESS (CIVILIAN WITNESSES ONLY): Custody Assistant, Los Angeles County Sheriff's Department — RES. PHONE (AREA CODE) ( )
BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: Century Regional Detention Facility — CDL OR LASD EMPLOYEE NO. [redacted] — BUS. PHONE (AREA CODE) (323) 568-4500
INTERVIEW AUDIO RECORDED, REFER TO: JOB NUMBER 48511 DATE 12/07/15 JOB NUMBER 48793 DATE 01/08/16

CODE	No.	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
W	2 OF 7	[redacted]	[redacted]	[redacted]	Female	W	[redacted]

RESIDENCE ADDRESS (CIVILIAN WITNESSES ONLY): Deputy Sheriff, Los Angeles County Sheriff's Department — RES. PHONE (AREA CODE) ( )
BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: Century Regional Detention Facility — CDL OR LASD EMPLOYEE NO. [redacted] — BUS. PHONE (AREA CODE) (323) 568-4500
INTERVIEW AUDIO RECORDED, REFER TO: JOB NUMBER 48577 DATE 12/11/15 JOB NUMBER ____ DATE ____

PRIMARY INVESTIGATOR	RANK	EMP. No.	APPROVED	DATE
John Adams	Sergeant	277025	LT. CARRIZOSA	1/22/16
ASSISTING INVESTIGATOR	RANK	EMP. No.	DATE SUBMITTED	
			01/19/16	

SHERIFF'S DEPARTMENT PERSONNEL INVESTIGATION
COMPLAINANT / WITNESS CONTINUATION PAGE

I.A.B. FILE No. IV 2327026 — PAGE 2 OF 2

CODE: C - COMPLAINANT, **W** - WITNESS

CODE	No. OF	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
W	3 OF 7	[redacted]	[redacted]		Female	H	[redacted]

RESIDENCE ADDRESS (CIVILIAN WITNESSES ONLY): Deputy Sheriff, Los Angeles County Sheriff's Department
RES. PHONE (AREA CODE): ( )
BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: Century Regional Detention Facility
CDL OR LASD EMPLOYEE NO.: [redacted]
BUS. PHONE (AREA CODE): (323) 568-4500
INTERVIEW AUDIO RECORDED, REFER TO: JOB NUMBER 48529 DATE 12/08/15 JOB NUMBER ____ DATE ____

CODE	No. OF	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
W	4 OF 7	[redacted]	[redacted]	[redacted]	Male	W	[redacted]

RESIDENCE ADDRESS (CIVILIAN WITNESSES ONLY): Deputy Sheriff, Los Angeles County Sheriff's Department
RES. PHONE (AREA CODE): ( )
BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: Walnut Station
CDL OR LASD EMPLOYEE NO.: [redacted]
BUS. PHONE (AREA CODE): (626) 913-1715
INTERVIEW AUDIO RECORDED, REFER TO: JOB NUMBER 48656 DATE 12/18/15 JOB NUMBER ____ DATE ____

CODE	No. OF	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
W	5 OF 7	[redacted]	[redacted]	[redacted].	Female	W	[redacted]

RESIDENCE ADDRESS (CIVILIAN WITNESSES ONLY): [redacted]
RES. PHONE (AREA CODE): ( )
BUSINESS ADDRESS OR UNIT OF ASSIGNMENT:
CDL OR LASD EMPLOYEE NO.: [redacted]
BUS. PHONE (AREA CODE): ( )
INTERVIEW AUDIO RECORDED, REFER TO: JOB NUMBER 48668 DATE 01/27/15 JOB NUMBER ____ DATE ____

CODE	No. OF	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
W	6 OF 7	[redacted]	[redacted]		Male	W	Adult

RESIDENCE ADDRESS (CIVILIAN WITNESSES ONLY): Police Officer, Upland Police Department
RES. PHONE (AREA CODE): ( )
BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: 1499 West 13th Street, Upland, California 91786
CDL OR LASD EMPLOYEE NO.: [redacted]
BUS. PHONE (AREA CODE): (909) 946-7624
INTERVIEW AUDIO RECORDED, REFER TO: JOB NUMBER 48616 DATE 12/11/15 JOB NUMBER ____ DATE ____

CODE	No. OF	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
W	7 OF 7	[redacted]	[redacted]		Male	W	Adult

RESIDENCE ADDRESS (CIVILIAN WITNESSES ONLY): Police Officer, Upland Police Department
RES. PHONE (AREA CODE): ( )
BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: 1499 West 13th Street, Upland, California 91786
CDL OR LASD EMPLOYEE NO.: [redacted]
BUS. PHONE (AREA CODE): (909) 946-7624
INTERVIEW AUDIO RECORDED, REFER TO: JOB NUMBER 48615 DATE 12/11/15 JOB NUMBER ____ DATE ____

CODE	No. OF	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
	No. OF						

RESIDENCE ADDRESS (CIVILIAN WITNESSES ONLY):
RES. PHONE (AREA CODE): ( )
BUSINESS ADDRESS OR UNIT OF ASSIGNMENT:
CDL OR LASD EMPLOYEE NO.:
BUS. PHONE (AREA CODE): ( )
INTERVIEW AUDIO RECORDED, REFER TO: JOB NUMBER ____ DATE ____ JOB NUMBER ____ DATE ____

CODE	No. OF	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
	No. OF						

RESIDENCE ADDRESS (CIVILIAN WITNESSES ONLY):
RES. PHONE (AREA CODE): ( )
BUSINESS ADDRESS OR UNIT OF ASSIGNMENT:
CDL OR LASD EMPLOYEE NO.:
BUS. PHONE (AREA CODE): ( )
INTERVIEW AUDIO RECORDED, REFER TO: JOB NUMBER ____ DATE ____ JOB NUMBER ____ DATE ____

CODE	No. OF	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
	No. OF						

RESIDENCE ADDRESS (CIVILIAN WITNESSES ONLY):
RES. PHONE (AREA CODE): ( )
BUSINESS ADDRESS OR UNIT OF ASSIGNMENT:
CDL OR LASD EMPLOYEE NO.:
BUS. PHONE (AREA CODE): ( )
INTERVIEW AUDIO RECORDED, REFER TO: JOB NUMBER ____ DATE ____ JOB NUMBER ____ DATE ____

INTERNAL AFFAIRS BUREAU

INVESTIGATIVE SUMMARY

IV 2327026

SUBJECT: **GENE D. WILSON, DEPUTY SHERIFF, #[redacted]**

DATE(S) / TIME OF INCIDENT: **JANUARY 1, 2013, 0203 HOURS**

ALLEGATIONS:

It is alleged Deputy Gene D. Wilson, #[redacted], while off-duty, and despondent over his [redacted] relationship, photographed himself, while pointing his revolver into his mouth. After sending the photo, with accompanying suicidal messages to his [redacted], he was detained pursuant to 5150 WIC. He was later criminally charged when his [redacted] alleged he pointed a gun and threatened to kill her. The criminal case resulted in his acquittal at trial.

SYNOPSIS:

During the latter months of 2012, Subject Wilson and his [redacted], [redacted] Witness [redacted] were involved in a failing [redacted] They had discussed [redacted] and possible [redacted], but ultimately agreed to stay together through the Christmas Holidays.

On December 31, 2012, over Subject Wilson's objections, Witness [redacted] attended a friend's New Year's Eve house party, without Subject Wilson. The party, hosted by Witness [redacted], was characterized by Witness [redacted] as family-oriented. As such, Witness [redacted] was accompanied by her [redacted], [redacted] and [redacted].

> **IAB Note:** **Witness [redacted] has two [redacted] from a previous [redacted], [redacted] and [redacted] with Subject Wilson, [redacted].**

Although Witness [redacted] initially intended to take all of her [redacted] to the party, it was later agreed the [redacted] would stay home with Subject Wilson.

After Witness [redacted] left, Subject Wilson began to drink whisky, and send text messages to Witness [redacted]. Subject Wilson would later concede he became drunk. According to Witness [redacted], the initial messages had the common theme that Subject Wilson was drinking, and of his desire for Witness [redacted] to return home. She perceived however, the messages became more aggressive as the evening wore on.

At, or around midnight, Subject Wilson sent Witness [redacted] a photograph **[Exhibit A]** depicting himself pointing a revolver into his mouth, with his thumb inside the trigger guard. A series of accompanying text messages **[Exhibit B]** included, "If [redacted] weren't here I would have done it, I just had it in my mouth squeezing the trigger.............. ." Upon receiving the texts, Witness [redacted] became extremely concerned. She hastily gathered her [redacted] and made her way home, primarily to remove her [redacted] from danger.

Back at home, Witness [redacted] contacted Subject Wilson inside the house. She would later report Subject Wilson pointed his revolver at her face and threatened to kill her. She quickly directed her [redacted] out to her car, then drove back to Witness [redacted]'s house. According to Witness [redacted], she continued to receive text messages from Subject Wilson in the moments after she left. One notable message indicated she should return to the house without the [redacted], because his brains would be everywhere. Back at Witness [redacted]'s house, Witness [redacted] settled her [redacted] and made preparations to stay the night. She noticed the messages from Subject Wilson eventually stopped and became concerned for his welfare. Unbeknownst to her at the time, Subject Wilson had fallen asleep on the bathroom floor. She attempted to communicate with him via text and phone calls, but all were unanswered. After discussing the situation with her friends, Witnesses [redacted], [redacted], and [redacted], she notified the Upland Police Department via 911.

IAB Note: Upland Police Department was unable to provide investigators with a recording of the 911 call, as the call was purged from their system. Investigators obtained transcripts [Exhibit C] of the 911 call via court documents retained by the San Bernardino County District Attorney's Office.

On January 1, 2013, at 0203 hours, Upland Police received the 911 call from Witness [redacted]. During the call, Witness [redacted] advised the Upland Police dispatcher that Subject Wilson was a Los Angeles County Deputy Sheriff. The call was categorized as a safety check in their Computer Aided Dispatch, Incident Number 2013000030 **[Exhibit D]**. Information in the call described a male pointed a gun at the reporting party's head, and threatened to kill himself.

Upland Police Officers responded to Subject Wilson's home, and after implementing a tactical plan, alerted Subject Wilson via PA announcements. Contact was made on his cell phone, and Subject Wilson readily exited his home, where he surrendered to police officers. While detained, Subject Wilson confirmed he was a deputy sheriff. He was cooperative and directed police officers to his bedroom closet. There, officers found his unloaded revolver adjacent to five .38 Special bullets. The officer's tactical deployment, Subject Wilson's interaction with the Upland Police, and a phone conversation with Witness [redacted] was audio recorded on Officer [redacted]'s belt recorder. The audio was uploaded into the Upland Police Department's digital audio file system. A compact disc **[Exhibit E]** containing the recordings were subsequently provided to investigators.

Investigators reviewed the audio recordings. Utilizing the digital timing display associated with the recording, Investigators noted the following:

00:00: Officers discussing containment and tactical approach.
16:30: Officers discuss situation with neighbors.
21:57: PA announcements heard in background.
31:15: Suspect in custody.
35:20: Phone conversation with Witness [redacted].
42:06: Witness [redacted] desirous of prosecution.
48:40: Conversation with Subject Wilson.
49:00: Subject Wilson refers to himself as, "A fucken dumb ass" regarding his actions.
49:20: Subject Wilson indicated, "Gun was pointed at me."
49:28: Subject Wilson refers to himself as, "Just being a fucken idiot" regarding his actions.
50:30: Subject Wilson denies pointing gun at Witness [redacted].
50:55: Subject Wilson denies any prior domestic violence with Witness [redacted].
52:45: Subject Wilson gives permission to retrieve his revolver.

At the conclusion of the Upland Police field investigation, and in consideration of the allegations made by Witness [redacted], Subject Wilson was detained pursuant to 5150 WIC. Officer [redacted] detailed the basis of the detention on an Application for 72-Hour Detention for Evaluation and Treatment Form, Case Number 13001001 **[Exhibit F]**. Subject Wilson was transported to and treated at Arrowhead Regional Medical Center.

Officer [redacted] also prepared a criminal complaint report, Case Number 13001001 **[Exhibit G]**, detailing the allegations made by Witness [redacted], and the investigation by the Upland Police Department. The report was submitted to the San Bernardino County District Attorney's Office.

On January 4, 2013, a felony complaint pursuant to Assault with a Deadly Weapon and Criminal Threats was filed under Case Number FWV1300037 **[Exhibit H]**. The matter was adjudicated and resulted in Subject Wilson's acquittal, following a jury trial. Refer to San Bernardino County Court Minutes **[Exhibit I].** During the trial, Subject Wilson provided testimony, and denied the criminal charges. During that same testimony, he admitted he sent the photo **[Exhibit A]** to Witness [redacted], but explained the revolver was not loaded at the time the photo was taken. Refer to Subject Wilson's testimony transcriptions **[Exhibit J]**.

During the trial, testimony was also heard from both Subject Wilson and Witness [redacted] in which each described an unreported domestic violence incident that occurred in the weeks leading up to Subject Wilson's detention. Although each described the same general incident, their versions differed in that each portrayed the other as the dominant aggressor. During interviews with Internal Affairs Bureau Investigators, Subject Wilson and Witness [redacted] described the same incident as told in court, and both described the other as the dominant aggressor. Neither Subject Wilson, nor Witness [redacted] reported the incident to law enforcement, or Department supervisors.

IAB Note: Subject Wilson's Unit Commander was notified regarding the un-reported domestic violence, and it was decided the allegations would be addressed within the parameters of this investigation.

INVESTIGATION

Internal Affairs Bureau investigators interviewed the below personnel and witnesses. Following is a summary of their interviews. For more information and precise wording, see the attached verbatim interview transcriptions.

Witness [redacted]

On December 7, 2015, Internal Affairs Bureau Investigator Sergeant John Adams interviewed Witness [redacted] at the Internal Affairs Bureau. On January 8, 2016, Internal Affairs Bureau Investigator Sergeant John Adams conducted a second interview with Witness [redacted] at Century Regional Detention Facility. Both interviews were digitally recorded and transcribed. The audio files and transcripts were submitted with this case. Following is a summary of the interview.

On January 1, 2013, Witness [redacted] was [redacted] to Subject Wilson and lived together with their [redacted] in the city of Upland. Witness [redacted] has two [redacted] with Subject Wilson, [redacted] She also has two [redacted] from a previous [redacted], [redacted] In the months leading up to January 1, 2013, Witness [redacted] described her [redacted] as failing. She and Subject Wilson spoke of [redacted] but agreed to stay together through the holidays, ostensibly for the benefit of their [redacted].

On December 31, 2012, sometime in the mid-morning hours, Subject Wilson arrived home after being away for a few days. Witness [redacted] had not heard from Subject Wilson during that time, and made plans without him to attend a New Year's Eve party with her [redacted]. Upon learning of the party plans, Subject Wilson voiced his disapproval and repeatedly tried to dissuade Witness [redacted] from going. Given the state of their [redacted], Witness [redacted] ultimately decided she would attend the party. As the evening approached, Witness [redacted] and Subject Wilson agreed their [redacted] could stay home with Subject Wilson, while she would attend the party with her [redacted]. Knowing Subject Wilson was unhappy with the situation, and suspecting he would attempt to disrupt the festivities, Witness [redacted] deceived Subject Wilson as to the location of the party. Although she told Subject Wilson the party was in the Huntington Beach area, it was in fact hosted by her friends, Witnesses [redacted] and [redacted], who lived a short distance away.

Witness [redacted] arrived at the party at approximately 2130 hours. Almost immediately, she began receiving text messages from Subject Wilson. The messages contained the general theme that Witness [redacted] should return home and spend New Year's with him.

The messages also described Subject Wilson drinking shots of alcohol. Witness [redacted] did not reply to most of his text messages, but noticed the texts became more, "Aggressive" as the night wore on. One notable message indicated, "You make me think about wanting to go and put a gun to the side of my head." Witness [redacted], believing Subject Wilson was drunk, and familiar with his tendency for exaggeration and shocking dialog, replied with instructions for him to go to sleep. Witness [redacted] conceded that she too had been drinking wine, but did not consider herself drunk.

Sometime around midnight, Witness [redacted] received a text photo **[Exhibit A]** and a series of messages **[Exhibit B]** from Subject Wilson. The photo depicted him standing in their bathroom with a revolver in his mouth, and his thumb on the trigger. One of the accompanying messages stated, "If [redacted] weren't here I would have done it, I just had it in my mouth squeezing the trigger." The photo immediately alarmed Witness [redacted], as Subject Wilson's behavior had never been so extreme. Although she still suspected the photo and messages might be Subject Wilson's attempt to get attention, she became extremely concerned for her [redacted]. As she described it, "He's playing with guns in my house with my [redacted], my [redacted] are there." She immediately gathered her [redacted] and made her way back to her house to pick up her [redacted].

At the house, Witness [redacted] parked in her driveway and instructed her [redacted] to wait in the car. Inside, she noticed a partially empty bottle of Fireball Whisky on the kitchen counter, which she attributed to Subject Wilson's consumption. She found her [redacted] in the downstairs game room, and after waking [redacted], both [redacted] were instructed to go out to the car. Realizing she would not be back with the [redacted], Witness [redacted] made her way to the upstairs master bedroom to retrieve [redacted]'s clothes from a laundry basket. While leaned over the basket, Subject Wilson appeared and held a revolver to her left temple. Standing to face him, Witness [redacted] saw Subject Wilson armed with his, "Off-Duty" revolver, which she recognized from the photo. Subject Wilson alternatively pointed the gun at her face, and at his own head, while commenting on why she had come home, that he would kill himself, kill Witness [redacted], or possibly both. At one point, Witness [redacted] perceived Subject Wilson to become very focused as he pointed the gun at her face. She saw his finger was on the trigger, which she viewed with great significance. At that moment, she believed Subject Wilson would kill her. She closed her eyes and covered her mouth with her hands as she waited for the shot. After a moment, she opened her eyes and saw Subject Wilson still standing face to face, but the revolver was no longer pointed at her. Sensing an opportunity to flee, she slowly sidestepped toward the stairs, then rushed down. Witness [redacted] described how she descended the stairs fully expecting to hear and feel a gunshot. Once at the landing, she made her way to her car without incident, then returned to Witness [redacted]'s home.

While driving to, and after arriving at Witness [redacted]'s house, Witness [redacted] continued to receive text messages from Subject Wilson. One message indicated Witness [redacted] should return to their house without the [redacted] because she would find him with his brains on the floor. After returning to Witness [redacted]'s home, preparations were made for Witness [redacted] and her [redacted] to stay the night. Witness

[redacted] shared with Witnesses [redacted], [redacted], and [redacted] some of the events that had transpired at her home. During this time, the messages from Subject Wilson stopped. Concerned for Subject Wilson's welfare, Witness [redacted] attempted to contact him via phone call and text. Unable to get a response, Witness [redacted] called 911 requesting a welfare check. During the 911 call and subsequent conversation with Officer [redacted], Witness [redacted] disclosed the events that transpired and her desire for criminal prosecution.

When asked by investigators if her friends had influenced her calling 911, Witness [redacted] indicated the decision was hers. She added Witnesses [redacted] and [redacted] stood by to offer support while she was on the phone, but reiterated the call was her decision.

Witness [redacted] cooperated with Upland Police Investigators, as well as with prosecutors from the San Bernardino County District Attorney's Office. During trial preparation, she met with staff from the District Attorney's Office and disclosed a prior domestic violence incident, which occurred approximately two weeks prior to Subject Wilson's arrest. In an effort to provide corroboration for that incident, Witness [redacted] provided copies of an email exchange **[Exhibit K]** between Subject Wilson and herself, which took place between December 12, and December 14, 2012.

IAB Note: The exchange appeared to have been conducted utilizing the Los Angeles County Sheriff's Department Outlook System. Investigators attempted to audit the Outlook accounts of Subject Wilson and Witness [redacted], as it related to those emails. Due to a retention-related system purge, the audit was fruitless. As such, documentation of the emails exist exclusively from photo copies obtained from the San Bernardino County District Attorney's Office.

When investigators asked about prior domestic violence, Witness [redacted] described an incident which took place in her Upland home, approximately two weeks prior to Subject Wilson's detention and arrest. The incident occurred at approximately 0200 hours, in the bedroom of their home. Subject Wilson had looked through Witness [redacted]'s cell phone and found content which led him to suspect Witness [redacted] of [redacted]. An argument ensued, with Subject Wilson grabbing Witness [redacted] and pulling her around their room. Subject Wilson would alternatively pull her and push her toward items within the room, as he ordered her to gather her things to leave. He would then change his mind, ordering her to stay, while insulting her with name-calling. At one point, the couple ended up on the floor with Witness [redacted] on her back and Subject Wilson straddled over her. Subject Wilson used his forearm to apply pressure on Witness [redacted]'s throat, causing Witness [redacted] to feel she could not breathe. The incident ended abruptly when their oldest [redacted], [redacted], knocked at their bedroom door and Subject Wilson walked him back to his bedroom.

Investigators showed Witness [redacted] the emails **[Exhibit K]** in question. She confirmed the emails were a reference to the domestic violence and were the same as she provided to the District Attorney's staff. Investigators showed her the emails in their entirety and asked her to comment on the following excerpts:

December 12, 2012, 10:56 p.m.
From: Gene Wilson
To: [redacted]
"I'm truly sorry for two days ago."

Witness [redacted] indicated Subject Wilson was apologizing for the domestic violence incident.

December 13, 2012, 8:55 a.m.
From: [redacted]
To: Gene Wilson
"It was nice to recover from being sore"

Witness [redacted] indicated she wrote that in reference to her knee and back pain, stemming from Subject Wilson knocking her down during the domestic violence incident.

December 13, 2012, 9:05 a.m.
From: [redacted]
To: Gene Wilson
"You seriously think I deserve to get my ass beat, don't you?"

Witness [redacted] indicated she wrote that in reference to the night of the domestic violence incident.

December 13, 2012, 9:22 a.m.
From: Gene Wilson
To: [redacted]
"What I did was horrible and inexcusable."

Witness [redacted] indicated Subject Wilson referenced the domestic violence incident.

December 13, 2012, 12:15 p.m.
From: Gene Wilson
To: [redacted]
"All I keep thinking is how I felt when I saw the bruises on your arm from [redacted] when we were [redacted], and I said I would never do that to you and I did. Please, please, please forgive me."

Witness [redacted] indicated Subject Wilson referenced a moment prior to their [redacted] when he observed bruises on her arm, which had been caused by her [redacted]. And his promise to never touch in her such a manner.

Witness [redacted] never reported the incident to the Upland Police Department, nor any law enforcement agency. When asked if she reported it to Department supervisors, or fellow Department members, she indicated she had not. She explained she was too embarrassed of the incident. It was only in preparation for Subject Wilson's trial, where she disclosed the prior domestic violence.

Witness [redacted]

On December 11, 2105, Internal Affairs Bureau Investigator Sergeant John Adams interviewed Witness [redacted] at Internal Affairs Bureau. The interview was digitally recorded and transcribed. The audio files and transcripts were submitted with this case. Following is a summary of the interview.

On January 1, 2013, Witness [redacted] and Witness [redacted] were involved in a friendship which would later evolve into a romantic relationship. Both attended a New Year's Eve party at Witness [redacted]'s home, with Witness [redacted] arriving approximately one hour after Witness [redacted]. Witness [redacted] described Witness [redacted] to be in good spirits and enjoying the party. Witness [redacted] shared with Witness [redacted] that Subject Wilson had been texting her, but did not elaborate. At approximately midnight, Witness [redacted]'s mood changed suddenly, and, showed Witness [redacted] a photo she received from Subject Wilson. The photo depicted Subject Wilson holding a revolver to his mouth. Witness [redacted] was extremely upset, as she abruptly gathered her [redacted], and indicated she needed to pick up her [redacted]. Realizing the gravity of the situation, Witness [redacted] offered to have Witness [redacted], or herself accompany Witness [redacted]. Witness [redacted] declined, indicating outside influences might exacerbate an already volatile situation.

After a while, Witness [redacted] returned to the party with her [redacted]. She appeared to be somewhat shaken, as she busied herself with settling the [redacted] for the night. Witness [redacted] inquired as to what occurred, and Witness [redacted] told her, "I thought he was gonna to kill me." Based on Witness [redacted]'s demeanor, Witness [redacted] did not doubt Witness [redacted]'s credibility.

After settling the [redacted], Witness [redacted] elaborated to Witnesses [redacted], [redacted], and [redacted] as to what transpired with Subject Wilson. Witness [redacted] perceived Witness [redacted] as very emotional and unsure. Based on what Witness [redacted] described of Subject Wilson's behavior, Witness [redacted] believed Subject Wilson's welfare was in jeopardy, and believed Witness [redacted]'s decision to call 911 was appropriate. Witness [redacted] and Witness [redacted] stood by as Witness [redacted] called 911 to report the incident.

Investigators showed Witness [redacted] a photo **[Exhibit A]** depicting Subject Wilson pointing a revolver into his mouth, with his thumb on the trigger. Witness [redacted] confirmed the photo was the same as shown to her by Witness [redacted].

Witness [redacted]

On December 8, 2015, Internal Affairs Bureau Investigator Sergeant John Adams interviewed Witness [redacted] at Century Regional Detention Facility. The interview was digitally recorded and transcribed. The audio file and transcripts were submitted with this case. Following is a summary of the interview.

On December 31, 2012, Witness [redacted] and her [redacted], Witness [redacted], hosted a New Year's Eve party at their home. Witness [redacted], along with her [redacted], attended the party and were initially happy. As the party went on, Witness [redacted]'s mood changed and she voiced concern for the welfare of her [redacted]. Witness [redacted] did not know details, but was told by Witness [redacted] that Subject Wilson had made some type of threats. Witness [redacted] appeared frightened as she abruptly left the party to retrieve her [redacted].

After a while, Witness [redacted] returned with her [redacted] and was visibly upset. Witness [redacted] was frantic, crying, and appeared very concerned for Subject Wilson. Witness [redacted] could not remember specific details, but recalled Witness [redacted] believed the police should be involved. Witness [redacted] stood by as Witness [redacted] called 911, and offered emotional support. Witness [redacted] recalled the police dispatcher called back a few times with updates, until it was announced Subject Wilson had been detained safely. After the incident, Witness [redacted] and her [redacted] spent the night in Witness [redacted]'s home.

Witness [redacted]

On December 18, 2015, Internal Affairs Bureau Investigator Sergeant John Adams interviewed Witness [redacted] at Walnut Station. The interview was digitally recorded and transcribed. The audio files and transcripts were submitted with this case. Following is a summary of the interview.

On December 31, 2012, Witness [redacted] and his [redacted], Witness [redacted] hosted a New Year's Eve party at their home. Witness [redacted] was in attendance, and at one point, he recalled Witness [redacted] advising him of a problem. It was explained to him that Subject Wilson threatened Witness [redacted] and sent a photo depicting Subject Wilson with a gun in his mouth. He was aware Witness [redacted] went home to retrieve her [redacted] and that she feared for their safety. Upon Witness [redacted]'s return, Witness [redacted] saw her upset and crying. He learned additional details, which he knew required police involvement, and encouraged Witness [redacted] to call 911. He stood by while she reported the incident and instructed her to be truthful with the details.

Witness [redacted]

On January 27, 2015, San Bernardino County District Attorney Investigator [redacted] interviewed Witness [redacted]. The interview was digitally recorded and transcribed. The audio file and transcripts were submitted with this case. Following is a summary of the interview.

On December 31, 2012, Witness [redacted] and her [redacted], [redacted], attended a New Year's Eve party with their [redacted], Witness [redacted]. At some point during the party, Witness [redacted] told Witness [redacted] they had to go pick up [redacted] and [redacted]. It was explained that Subject Wilson made comments that he might hurt himself. Witness [redacted] drove her [redacted] and Witness [redacted] home and parked in the driveway. Witness [redacted] instructed her and [redacted] to remain in the car, while Witness [redacted] went inside. A few minutes later [redacted] emerged from the house, followed by [redacted] and Witness [redacted]. They drove by back to Witness [redacted]'s home without any discussion. Approximately two days later, Witness [redacted] learned from Witness [redacted] that Subject Wilson threatened to kill himself and also threatened to kill Witness [redacted].

Witness [redacted]

On December 11, 2015, Internal Affairs Bureau Investigator Sergeant John Adams interviewed Witness [redacted] at the Upland Police Department. The interview was digitally recorded and transcribed. The audio file and transcripts were submitted with this case. Following is a summary of the interview.

On January 1, 2013, Witness [redacted] was on-duty as a police officer for the Upland Police Department. He was dispatched as the handling officer to Subject Wilson's home regarding a welfare check of a possibly suicidal man. After he and assisting units established a containment of Subject Wilson's home, efforts to contact him via cell phone were initially fruitless. Several PA announcements were made, and phone contact was ultimately established. Subject Wilson was cooperative with officers and exited his house as instructed.

Witness [redacted] spoke with Subject Wilson and determined he had been drinking, but otherwise very cooperative. He described Subject Wilson as polite and somewhat embarrassed. Subject Wilson never attempted to garner professional courtesy or use his status as a law enforcement officer to influence Witness [redacted]'s investigation. Subject Wilson denied that he pointed his gun at Witness [redacted], but admitted he had placed his gun into his mouth, taken a self-photo, then sent that photo to Witness [redacted]. Subject Wilson conceded he made a poor choice and blamed his actions on his consumption of alcohol. Witness [redacted] also inquired about prior domestic violence incidents between the [redacted], which Subject Wilson replied there was none.

During Witness [redacted]'s investigation, he spoke with Witness [redacted] over the telephone and perceived she was genuinely concerned for Subject Wilson's welfare.

He also recovered an unloaded revolver and five live rounds from Subject Wilson's bedroom closet. Based on the information gathered in his investigation, Witness [redacted] detained Subject Wilson pursuant to 5150 WIC, and transported him to a medical facility for treatment.

Witness [redacted]'s contact with Subject Wilson was audio recorded via a digital recorder worn on his belt. The audio file was stored in the Upland Police Department's digital audio files, and a recorded CD **[Exhibit E]** was provided to investigators. Witness [redacted] also authored an Application for 72 Hour Detention for Evaluation and Treatment Form, #13001001 **[Exhibit F]**, and a Crime Report, #13001001 **[Exhibit G]**. Witness [redacted] reviewed the authored crime report and confirmed its accuracy.

Witness [redacted]

On December 11, 2015, Internal Affairs Bureau Investigator Sergeant John Adams interviewed Witness [redacted] at the Upland Police Department. The interview was digitally recorded and transcribed. The audio file and transcripts were submitted with this case. Following is a summary of the interview.

On January 1, 2013, Witness [redacted] was on-duty as a police officer for the Upland Police Department. He was dispatched, as an assisting unit, to Subject Wilson's home regarding a welfare check. He recalled information in the call indicated a person reported her [redacted] put a gun in his mouth and sent her a picture. Witness [redacted] arrived on scene and was directed to make PA announcements from his patrol car, ordering Subject Wilson to come out of the house. After approximately ten minutes of PA announcements, Subject Wilson exited the house without incident, and was handcuffed by an unknown officer. Witness [redacted] did not have direct contact with Subject Wilson, but observed him taken into custody, and perceived him as cooperative. Witness [redacted] was also part of an entry team and participated in a protective sweep of Subject Wilson's house. While inside, Witness [redacted] did not observe any evidence of a physical altercation or damaged property.

Subject Gene Wilson

On January 13, 2016, Internal Affairs Bureau Investigator Sergeants John Adams and Kimberly Mendoza interviewed Subject Wilson at Internal Affairs Bureau. Subject Wilson was interviewed as a Subject and afforded Subject Rights. He was represented by Attorney Mitchell Kander from the law firm Green and Shinee. The interview was digitally recorded and transcribed. Following is a summary of the interview.

Subject Wilson was a deputy sheriff assigned to Temple Station. On January 1, 2013, Subject Wilson and Witness [redacted] were a [redacted] with [redacted], living in the city of Upland. As described by Subject Wilson, the [redacted] was deteriorating and the couple had discussed [redacted].

On December 31, 2012, Subject Wilson arrived home sometime during the late morning or afternoon hours, and planned to spend the New Year's Eve at home with Witness [redacted] and their [redacted]. The plan to stay home was made in advance and was going to serve as the last [redacted] holiday, before the couple separated. Unbeknownst to Subject Wilson, Witness [redacted] changed her plans, and instead decided to attend a friend's party, in what he believed was in the Huntington Beach area. At approximately 2000 hours, Witness [redacted] and her [redacted], [redacted] and [redacted], left for the party. The couple's [redacted], [redacted] and [redacted], stayed home with Subject Wilson. Saddened by the turn of events, and with the state of his [redacted], Subject Wilson began drinking and sending text messages to Witness [redacted]. Subject Wilson described himself as a light drinker; seldom drinking more than an occasional beer or two. However, on New Year's Eve, 2012, he drank an estimated eight to ten shots of Fireball Whiskey, over an approximate four and a half hour period. By his own account, he was drunk by midnight.

As the evening wore on, Subject Wilson remained depressed. At one point, he retrieved a gun from his bedroom closet, placed the barrel of the gun into his mouth, placed his thumb inside the trigger guard, and photographed himself. He then sent the photo, via text message, to Witness [redacted]. Subject Wilson described the gun as his personally owned, Smith and Wesson, two inch revolver. He was familiar with the operation of the gun and was adamant it was unloaded at the time he took the photo.

Investigators showed Subject Wilson the photo **[Exhibit A]** and he confirmed it was the same photo he sent to Witness [redacted]. Investigators directed his attention to the cylinder of the revolver and that the chambers appeared to contain bullets, indicative of a loaded revolver. After examining the photograph, Subject Wilson told investigators he did not see it that way (loaded) and reaffirmed the gun was unloaded at the time of the photo.

> **IAB Note:** **For contrast and comparison, Investigators photographed a Smith and Wesson revolver of the same style, as possessed by Subject Wilson in [Exhibit A]. The photos depicted the revolver, both loaded and unloaded. The photos were included with this investigation as [Exhibit L].**

In addition to sending the photo, Subject Wilson sent accompanying text messages. Investigators showed Subject Wilson a series of text messages **[Exhibit B]**, which he confirmed he authored and sent to Witness [redacted]. One text stated, "If [redacted] weren't here I would have done it. I just had it in my mouth squeezing the trigger." Subject Wilson conceded the photo, and the accompanying messages were sent as a way to get attention and sympathy from Witness [redacted]. Subject Wilson was adamant he was not suicidal.

Subject Wilson admitted he did not believe he exercised reasonable care and control of his firearm by handling it in the manner depicted in the photo. When asked if he believed his [redacted]'s welfare was jeopardized by the manner in which he handled the

gun, he indicated they were not. He described how he stored his gun, unloaded, on an upper shelf, in his bedroom closet. The bullets were typically stored next to the gun. At the time of the photo, his bedroom door was locked and his [redacted] were downstairs, in the game room. Subject Wilson therefore reasoned the [redacted] were never in jeopardy.

After sending the photo, Subject Wilson became nauseous, which he attributed to his alcohol consumption. He was seated in the master bathroom when Witness [redacted] arrived back at the house. She peered into the bathroom, saw Subject Wilson and gave what Subject Wilson perceived as a look of disgust. Subject Wilson directed a question to her about her desire for him to be dead. He then followed her downstairs to the dining room, apologized and expressed his desire to have her back. Witness [redacted] subsequently left with their [redacted].

Subject Wilson denied he ever pointed his gun at Witness [redacted] and indicated the gun was stored in the master bedroom closet the entire time of Witness [redacted]'s return. He denied threatening to kill Witness [redacted]. When asked about comments about killing himself, Subject Wilson only insinuated in text messages, and never commented to her in person.

Once Witness [redacted] left with their [redacted], Subject Wilson returned to the master bathroom, where he fell asleep on the bathroom floor. At one point he awoke to what he recognized as police PA announcements, then realized Upland Police was calling his cell phone. After speaking to the police on the phone, Subject Wilson exited his house. He complied with the officers' commands and was subsequently handcuffed and detained. During his contact with the Upland Police Department, he remained cooperative and gave permission for the officers to search his home. Although they were already aware, Subject Wilson confirmed to officers he was a Los Angeles County Deputy Sheriff.

During his detention, Subject Wilson was questioned by Officer [redacted]. Subject Wilson indicated he answered truthfully, denying allegations he threatened Witness [redacted] with a gun. Subject Wilson could not recall if officers inquired about prior domestic violence between Subject Wilson and Witness [redacted].

IAB Note: During audio recorded conversation [Exhibit E, 50:55], Officer [redacted] asked specifically about prior domestic violence. Subject Wilson denied any history of domestic violence between Witness [redacted] and himself.

Following the Upland Police investigation, Subject Wilson was detained pursuant to 5150 WIC and taken to an unknown medical facility.

IAB Note: The medical facility was identified as, Arrowhead Regional Medical Center.

Subject Wilson was treated at the medical facility for an estimated duration of eight to ten hours. After an interview with doctors, Subject Wilson was discharged.

Stemming from Witness [redacted]'s allegations, Subject Wilson was criminally charged with Assault with a Deadly Weapon and Criminal Threats. The case resulted with a finding of, Not Guilty, following a jury trial. Subject Wilson testified during his trial and admitted to sending the photo identified as **[Exhibit A]**. During his testimony, Subject Wilson indicated his revolver was empty at the time the photo was taken. Subject Wilson also testified about a prior domestic violence incident between Witness [redacted] and himself, in which he described Witness [redacted] as the dominant aggressor.

Investigators provided Subject Wilson transcriptions **[Exhibit J]** of his court testimony. Subject Wilson previously reviewed the transcriptions and indicated he testified truthfully. When asked about his testimony related to prior domestic violence, Subject Wilson explained the incident stemmed from an argument with Witness [redacted] over the contents of her cell phone. The incident occurred a couple of weeks prior to his detention for 5150 WIC and was never reported to the police or Sheriff's Department supervision. During the incident, Witness [redacted] slapped Subject Wilson and Subject Wilson responded by grabbing Witness [redacted] by her biceps and pushing her onto their bed. Witness [redacted] responded by kicking Subject Wilson in the groin. Subject Wilson responded by pulling Witness [redacted] by her ankle onto the floor. The incident concluded when the Wilson's [redacted], [redacted] knocked on the door. Witness [redacted] then left for the night.

Investigators showed Subject Wilson a series of emails **[Exhibit K],** which he had commented about during his testimony. Subject Wilson reviewed the emails in entirety and confirmed he authored the segments containing the header, "From Gene Wilson." He was asked to comment on excerpts from the following emails:

December 12, 2012, 10:56 p.m.
From: Gene Wilson
To: [redacted]
"I'm truly sorry for two days ago."

Subject Wilson indicated the email was in reference to the domestic violence incident where he grabbed her arms, pushed her on the bed, and grabbed her ankle to slide her off the bed.

December 13, 2012, 12:01 a.m.
From: Gene Wilson
To: [redacted]
"I will start anger-management."

Subject Wilson referenced his deteriorating relationship with Witness [redacted] and her repeated comments about his anger. Suggesting a way to appease her and to salvage their [redacted].

December 13, 2012, 8:55 a.m.
From: [redacted]
To: Gene Wilson
"It was nice to recover from being sore."

Subject Wilson did not know what Witness [redacted] referenced.

December 13, 2012, 9:05 a.m.
From: [redacted]
To: Gene Wilson
"You seriously think I deserve to get my ass beat, don't you?"

Subject Wilson did not know what Witness [redacted] referenced.

December 13, 2012, 9:22 a.m.
From: Gene Wilson
To: [redacted]
"What I did was horrible and inexcusable."

Subject Wilson referenced his putting hands on Witness [redacted] and pushing her on the bed. Him being kicked and responding by grabbing her foot and sliding her off of the bed.

December 13, 2012, 12:15 p.m.
From: Gene Wilson
To: [redacted]
"All I keep thinking is how I felt when I saw the bruises on your arm from [redacted] when we were [redacted] and I said I would never do that to you and I did. Please, please, please forgive me."

Subject Wilson referenced his grabbing Witness [redacted]'s arm and how he said he would never put hands on her. How she slapped him, but he should have responded by walking away.

Investigators showed Subject Wilson a copied certificate of completion **[Exhibit M]**, which was provided to investigators by the San Bernardino County District Attorney's Office. The certificate was titled, "Certificate of Completion", and presented to Gene Wilson for Batterers' Intervention and Domestic Violence Diversion Program. Subject Wilson reviewed the document and confirmed its authenticity. On the advice of his criminal defense attorney, Subject Wilson completed the 52 week program prior to his trial, and provided the documentation to the District Attorney's Office. Subject Wilson believed he benefited from the program, as well as his participation in the Peace Officer's Fellowship program.

Subject Wilson was asked about his understanding of Department Policy regarding the safety of firearms. Subject Wilson described the policy as firearms should be kept in a safe place and made safe.

Subject Wilson was asked his understanding of Department Policy regarding family violence. Subject Wilson described the policy as family violence is not tolerated.

When asked his understanding of Department Policy regarding general behavior, Subject Wilson understood it to mean one should be a good citizen at all times.